

RUTH HANSEN, JULIA DEMOTT,	:	Order Dismissing Appeal
MARLENA, FONZI, CHERYL	:	
LETTICH, and SHELDON FOX,	:	
Appellants	:	
	:	Docket No. IBIA 94-6-A
v.	:	
JUNEAU AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	February 16, 1994

Appellants Ruth Hansen, Julia Demott, Marlena Fonzi, Cheryl Lettich, and Sheldon Fox sought review of two decisions issued by the Juneau Area Director, Bureau of Indian Affairs (Area Director; BIA), on August 30 and September 17, 1993. The decisions declined to recognize the results of an August 12, 1993, election for the Native Village of Eyak.

The Area Director's August 30, 1993, decision noted that BIA was continuing to work with the Village in an attempt to develop an election plan that could be adopted by the tribal membership. When a matter is appealed to the Board, BIA normally loses jurisdiction to take further action in the matter except to participate as a party in the appeal. See Hammerberg v. Acting Portland Area Director, 24 IBIA 78 (1993). Noting that it actively encourages the settlement of disputes brought before it and that it appeared the continued effort to adopt election procedures could aid in the ultimate resolution of this matter, the Board specifically authorized the Area Director to continue to work with the Village during the pendency of the appeal. The Area Director was requested periodically to advise the Board of the status of this effort.

On December 6, 1993, the Area Director reported that the competing Tribal Councils had worked through their differences and that a tribal election was scheduled for December 11, 1993. On December 7, 1993, appellants filed a motion for stay, stating that the scheduled election might moot the appeal. A stay was granted.

On February 14, 1994, the Board received a status report from the Area Director who stated that a new Tribal Council had been elected and that no timely challenges to the election were filed. Accordingly, the Area Director recognized the newly elected Tribal Council.

The Board has consistently held that a valid tribal election held during the pendency of an appeal from an earlier tribal election renders the appeal moot. See, e.g., Villegas v. Sacramento Area Director, 24 IBIA 150 (1993), and cases cited therein.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Area Director's August 30 and September 17, 1993, decisions is dismissed as moot.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge